

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Michelle Tocolla Edwards,	)	Civil Action No.: 1:19-cv-01282-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff brought this action to obtain judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's application for disability insurance benefits. *See* 42 U.S.C. § 405(g). On May 1, 2020, the court reversed the Commissioner's decision and remanded the action for further proceedings.

This matter now is before the court on Plaintiff's motion for attorney's fees filed on December 28, 2021, for requested fees in the amount of \$18,459.13, which is not greater than 25% of Plaintiff's past due benefits. The Plaintiff's attorney was previously granted fees by this Court in the amount of \$3,756.38, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

In the United States Supreme Court case of *Gisbrecht v. Barnhart*, 535 U.S. 780 (2002), the Court held that the provision of the Social Security Act limiting attorney fees to 25% of past-due benefits does not displace contingent-fee agreements that are within such statutory ceiling, and instructs courts to review for reasonableness fees yielded by such agreements. In addition, if the claimant has been awarded attorney fees under EAJA, the claimant's attorney must refund the lesser of the two fees to the claimant. *Id.* at 796.

Upon review of the materials submitted to the Court, the undersigned finds that Plaintiff

counsel's request for attorney fees is reasonable. Therefore, it is ordered that the Plaintiff's attorney may collect a fee of \$18,459.13, which is not greater than 25% of plaintiff's past due benefits.

Plaintiff's attorney must refund to the Plaintiff the EAJA award of \$3,756.38.

IT IS SO ORDERED.

January 10, 2022  
Florence, South Carolina

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge